

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&**

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 13931 of 2007(H)

PETITIONER:

**M/S.IDEA MOBILE COMMUNICATION LTD.,
SECOND FLOOR, MERCY ESTATE, RAVIPURAM,
COCHIN-682 015, REPRESENTED BY ITS
SENIOR MANAGER, RAMACHANDRAN C.**

**BY ADV. SRI.SANTHOSH MATHEW,
SRI.SATHISH NINAN.**

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE,
CHOKKLI POLICE STATION, KANNUR DISTRICT.**
- 2. RAJEEVAN, S/O.KELU,
EKARAMMULA PARAMBATH HOUSE,
PERINGATHUR, KANNUR DISTRICT.**
- 3. SREEJESH, S/O.SREEDHARAN,
CHOKANDY HOUSE, PERINGATHUR, KANNUR DISTRICT.**
- 4. SURESH, S/O.GOVINDAN,
PARAMMAL HOUSE, KANNUR DISTRICT.**

**BY ADV. SRI.P.NARAYANAN,
GOVT. PLEADER SRI. SALIM.P.A.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07/08/2007, ALONG WITH W.P.(C). NO. 13983/2007 AND
CONNECTED CASES,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.13931/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOC DTD. 05/02/2007 GRANTED BY KARIYAD GRAMA PANCHAYAT AND RECEIPTS.

EXT.P.2: COPY OF THE REPRESENTATION DTD. 03/04/2007 SUBMITTED BY THE PETITIONER BEFORE THE R.1.

EXT.P.3: COPY OF THE INTERIM ORDER IN W.P.(C). 15698/06.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) Nos.13931, 13965, 13983,
13984, 13985, 13986 &
13987/2007

Dated 7th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner in these writ petitions prays for police protection to erect telecommunication towers in various parts of the State. When it attempted to put up the towers, the local people took up cudgels. They voiced their apprehension that the electro magnetic waves emitted from the tower may be harmful to them. The learned counsel for the petitioner relies on the decision of this Court in **Reliance Infocom Ltd. v. Chamanchery Grama Panchayat** (2006(4) KLT 695) and submits that the petitioner is entitled to get police protection.

2. Heard the learned Government Pleader for the official respondents and also the learned counsel appearing for the party respondents.

3. Whether the electro magnetic waves from the communication towers will cause health hazards is a hotly debated point in the scientific circle. The Division Bench of this Court in the aforementioned decision has issued the following direction:

“Considering the facts and circumstances of these cases, we are however inclined to give a general direction to the TRAI to make periodical inspection to ascertain whether radiation emanated from the Mobile Base Stations would cause any health hazards to the people of the locality.”

We also issue the same direction in these writ petitions. Other competent authorities like the Pollution Control Board can also take appropriate action in accordance with law, if in future it is established that the radiation from the towers is harmful. Subject to the above observation, we order that the police shall afford protection to the petitioner to erect the towers. It is also clarified that this direction is subject to any orders

of the statutory authority or the civil court.

The Writ Petitions are disposed of as above.

K. BALAKRISHNAN NAIR, JUDGE

HARUN-UL-RASHID, JUDGE.

nm.